

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	
)	Before the Examiner
Günter SCHMID et al.)	
)	Nannette Holloman
Serial No. 10/523,081)	
)	Group Art Unit 1612
Filed July 28, 2005)	
)	September 22, 2008
METAL CLUSTER NANO-)	
COMPOUNDS FOR TREATING)	
TUMOR DISEASE)	

RESPONSE TO
RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450
Sir:

In response to the Restriction Requirement dated September 4, 2008, Applicants provisionally elect Group I comprising claims 37-55 and 61-63, drawn to a metal cluster nano-compound of transition metals. This provisional election of the Group I claims is made without traverse.

The Examiner is advised that, although the Office Action Summary refers to the February 2, 2005 filing, there was a Preliminary Amendment filed January 4, 2007 that included new claim 63. At the time of initial filing on February 2, 2005, claims 1-36 were canceled and claims 37-62 were added by Preliminary Amendment. These appear to be the claims that are the focus of the Examiner with regard to this Restriction Requirement. However, after that first Preliminary Amendment, there was a second preliminary Amendment filed January 4, 2007 and it is that Preliminary Amendment that includes new claim 63.

Since claim 63 is directed to a metal cluster nano-compound of transition metals, it is Applicants' position that claim 63 should be included as part of the Group I claim listing.

No additional fee is believed to be required for this Response. Please provide any extensions of time which are required and charge any additional fees which may be due or credit any overpayments to Deposit Account No. 23-3030.

Respectfully submitted,

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